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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,150	08/07/2003	Edward G. Tiedemann, JR.	990524C1	6078
23696	7590	07/12/2005	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			BAYARD, EMMANUEL	
			ART UNIT	PAPER NUMBER
			2638	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/638,150	TIEDEMANN, ET AL.	
	Examiner	Art Unit	
	Emmanuel Bayard	2638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to amendments filed on 4/19/05 in which claims 1-15 are pending. The applicant's arguments have been considered but they are not persuasive therefore this case is made final. (See examiner response to arguments below).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by James U.S. patent No 6,122,356.

As per claim 1, James teaches an apparatus for processing calls in a communication system, the apparatus comprising: a controller to receive an event message or notifications is the same as the claimed (indications) of a first call (see col.2, lines 1, 13-15) and to instantiate a first call control state machine of a type in accordance with a type of the first call, the first call control state machine being used to control processing of the first call (see col.2, lines 5-45).

As per claim 2, James teaches receiving an indication of a second call and instantiates a second call control state machine of a type in accordance with a type of

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the second call, the second call control state machine being used to control processing of the second call (see col.52, lines 10-30).

As per claim 3, James teaches determines a first service option connection for the first call, the first service option connection including information indicative of a set of parameters to be used for data transmission with respect to the first call (see col.4, lines 17-20 and col.16, lines 15-21).

As per claim 4, James inherently teaches the set of parameters includes parameters identifying one or more physical channels to be used for data transmission with respect to the first call.

As per claim 5, James inherently teaches determining a second service option connection for the second call, the second service option connection including information indicative of a set of parameters to be used for data transmission with respect to the second call.

As per claim 6, James inherently teaches the set of parameters includes parameters identifying one or more physical channels to be used for data transmission with respect to the second call.

As per claim 7, James teaches a controller to receive an event message or notifications is the same as the claimed (indications) of a first call (see col.2, lines 1, 13-15) to be processed, the controller to determine a first service option connection to be mapped (see col.42, lines 3-30 and col.45, lines 60-67 and col.48, lines 9-15, 41) to the first call and to instantiate a first call control state machine of a type in accordance with a type of the first call, the first call control state machine being used to control

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processing of the first call (see col.2, lines 5-45), and the controller to establish a set of one or more physical channels associated with the first service option connection to be used for data transmission (see col.4, lines 17-20 and col.16, lines 15-21).

As per claim 8, James inherently teaches instantiating a separate call control state machine for each subsequent call to be processed the instantiated call control state machine is of a type in accordance with a type of the respective subsequent call.

As per claim 9, James inherently teaches determining, for each subsequent call, a service option connection to be used for data transmission and maps each subsequent call to the respective service option connection.

As per claim 10, James inherently teaches in response to a directive to release a particular call, the controller releases the respective call control state machine associated with the particular call.

As per claim 11, James inherently teaches determines whether a particular service option connection is mapped to any active call and releases the particular service option connection if the particular service option connection is not mapped to any active call.

As per claim 12, James teaches an apparatus for processing calls, comprising: a control processor to implement a call processing state machine including a first event message is the same as the claimed (state indicative) (see col.2, lines 5-45) of a period of synchronization with a particular communication system, a plurality event message or Call2 is the same as the claimed (second state indicative) (see col.49, lines 25-30 and col.48, lines 4-15) of a period of monitoring of a paging channel, a plurality event

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message or Call3 is the same as the claimed (third state indicative) (see col.49, lines 25-30 and col.48, lines 4-15) of a period of accessing a base station in the particular communication system, and a plurality event message or several Calls is the same as the claimed (fourth state indicative) (see col.49, lines 25-30 and col.48, lines 4-15) of processing of at least one active call, each active call being associated with a call control state machine (see col.2, lines 5-45).

As per claim 13, James inherently teaches wherein the call control state machine for each call being processed is of a type selected based on a type of the respective call being processed.

As per claim 14, James inherently teaches wherein the fourth state includes a first sub-state indicative of data transmission of traffic channels, a second sub-state indicative of data transmission for a particular call, and a third sub-state indicative of termination of the particular call.

As per claim 15, James inherently teaches wherein the call control state machine associated with a voice call or a data call includes: a first sub-state indicative of a wait for an alert with information message to process the respective a second sub-state indicative of a wait for a user response to the respective call; a third sub-state indicative of a period of permissible transmissions for the respective call; and a fourth sub-state indicative of termination of the respective call.

Response to Arguments

1. Applicant's arguments filed 4/19/05 have been fully considered but they are not persuasive.

In page 6, paragraph 1 of the response, applicant asserts that James fails to disclose "a spread spectrum wireless communication system". Examiner respectfully disagrees.

"The spread spectrum wireless communication system" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Therefore applicant's arguments are moot and this case is made final.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

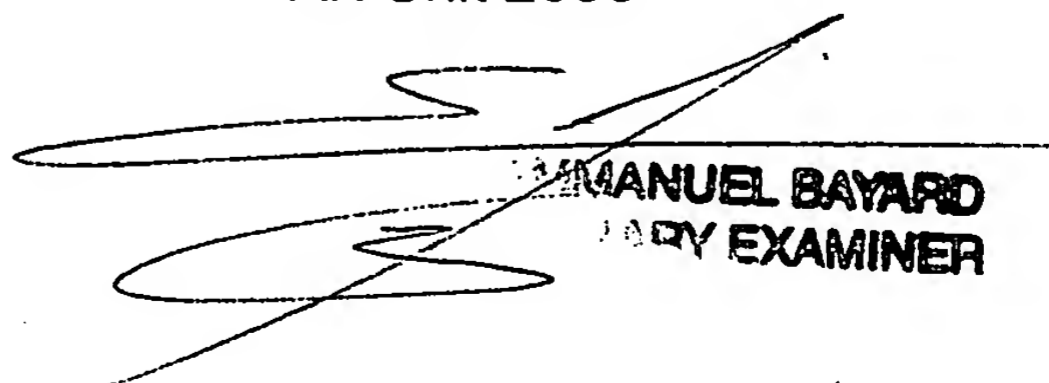
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Bayard whose telephone number is 571 272 3016. The examiner can normally be reached on Monday-Friday (7:Am-4:30PM) Alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vanderpuye Kenneth can be reached on 571 272 3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Bayard
Primary Examiner
Art Unit 2638

6/30/05



EMMANUEL BAYARD
PRIMARY EXAMINER